

U.S. DISTRICT COURT
N.D. OF N.Y.
FILED

AFFIDAVIT

AUG 18 2010

Alfred G. Osterweil, being duly sworn, upon his oath says:

LAWRENCE K. BAERMAN, CLERK
ALBANY

1. I am the Plaintiff in the above entitled matter.
2. On February 24, 2010, the Court granted a Dismissal of Plaintiff's first, second and third causes of action, stating : "Thus, because Osterweil's first three causes of action seek to mount a Second Amendment attack against only state legislation, they fail to state a claim upon which relief can be granted."
3. Subsequently, on June 28, 2010, the United States Supreme Court rendered its decision in *McDonald v. Chicago*, Case No.08-1521.
4. Thereafter, on July 2, 2010, I wrote to the Court, after consulting with my adversary, requesting that the Court give me some direction with reference to what procedure the Court wished me to take.
5. On August 6, 2010, the Court entered an Order directing me to "file a formal motion in full compliance with local rules."
6. On August 16, I spoke with my adversary who advised me that he would be filing a response to my motion.
7. The above statements are true to the best of my knowledge and belief.


Alfred G. Osterweil

8/17/2010

Sworn to and subscribed before me, a notary public of New York, this 17th day of August, 2010.



RHONDA L. FERRIS
Notary Public, State of New York
No. 01FEC030067
Qualified in Otsego County
Commission Expires May 21, 2011